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*Special Litigation Counsel for  
Gary Herbst, Plan Administrator for  
Confirmed Plan of Exeter Holding, Ltd.*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

|                                 |   |                                 |
|---------------------------------|---|---------------------------------|
| -----                           | X |                                 |
| In re:                          | : |                                 |
| EXETER HOLDING, LTD.,           | : | Case No.: 13-cv-05475-JS-AKT    |
|                                 | : |                                 |
| Debtor.                         | : | <b>NOTICE OF MOTION FOR</b>     |
|                                 | : | <b>SANCTIONS AND OTHER</b>      |
| -----X                          | : | <b>RELIEF AGAINST ARNOLD</b>    |
| OFFICIAL COMMITTEE OF UNSECURED | : | <b>FRANK, SONDR A FRANK,</b>    |
| CREDITORS,                      | : | <b>LINDA HALTMAN, MICHAEL</b>   |
|                                 | : | <b>HALTMAN, BRUCE FRANK AND</b> |
| Plaintiff,                      | : | <b>LARRY FRANK</b>              |
|                                 | : |                                 |
| -against-                       | : |                                 |
| LINDA HALTMAN, <i>et al</i> ,   | : |                                 |
|                                 | : |                                 |
| Defendants.                     | : |                                 |
| -----                           | X |                                 |

PLEASE TAKE NOTICE that upon the affidavit of John D. Roesser, attorney for Plaintiff Gary Herbst, solely in his capacity as the plan administrator (the "Plaintiff" or "Plan Administrator") for the confirmed plan of Exeter Holding, Ltd. ("Exeter"), with the attached exhibits, upon the affidavit of Brian T. Fox, with the attached exhibits, and upon the concurrently filed Memorandum Of Law In Support Of Plaintiff's Motion For Sanctions And Other Relief Against Arnold Frank, Sondra Frank, Linda Haltman, Michael Haltman, Bruce Frank And Larry Frank, Plaintiff, by and through his attorneys, hereby moves before the Honorable Magistrate Judge A. Kathleen Tomlinson, United States District Court for the Eastern District of New York, for an order (1) finding that certain Defendants, Arnold Frank, Sondra

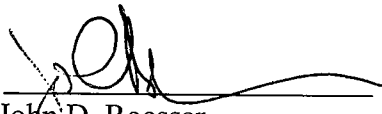


Frank, Linda Haltman, Michael Haltman, Bruce Frank and Larry Frank (the “Defendants”) engaged in spoliation by failing to preserve evidence; (2) finding that Defendant Linda Haltman engaged in spoliation by destroying evidence; (3) granting a default judgment or, in the alternative, an adverse inference against Defendants; (4) granting Plaintiff reasonable attorneys’ fees and costs associated with Defendants’ conduct in this regard; and (5) such other relief that the Court deems just and proper.

Pursuant to the Individual Practices of this Court, the Parties shall contact chambers to set a date for oral argument once this motion has been fully briefed.

Date: February 2, 2015

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By:   
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